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**HOUSE BILL 537**

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

**INTRODUCED BY**

**Greg Payne**

**AN ACT**

**RELATING TO DRIVER'S LICENSES; REQUIRING PROOF OF UNITED STATES  
CITIZENSHIP OR PERMANENT LEGAL RESIDENCY FOR INSTRUCTIONAL  
PERMITS, PROVISIONAL LICENSES AND DRIVER'S LICENSES; PROVIDING  
FOR A "CERTIFICATE FOR DRIVING" THAT DOES NOT REQUIRE PROOF OF  
CITIZENSHIP OR PERMANENT LEGAL RESIDENCY BUT CANNOT BE USED FOR  
IDENTIFICATION PURPOSES.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 66-5-9 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 231, as amended) is amended to read:**

**"66-5-9. APPLICATION FOR LICENSE, TEMPORARY LICENSE,  
PROVISIONAL LICENSE OR INSTRUCTION PERMIT. --**

**A. An application for an instruction permit,  
provisional license or driver's license shall be made upon a  
form furnished by the department. An application shall be**

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1 accompanied by the proper fee. For permits, provisional  
2 licenses or driver's licenses other than those issued pursuant  
3 to the New Mexico Commercial Driver's License Act, submission  
4 of a complete application with payment of the fee entitles the  
5 applicant to not more than three attempts to pass the  
6 examination within a period of six months from the date of  
7 application.

8 B. An application shall contain the full name,  
9 social security number [~~or individual tax identification~~  
10 ~~number~~], date of birth, sex and New Mexico residence address of  
11 the applicant and briefly describe the applicant and indicate  
12 whether the applicant has previously been licensed as a driver  
13 and, if so, when and by what state or country and whether any  
14 such license has ever been suspended or revoked or whether an  
15 application has ever been refused and, if so, the date of and  
16 reason for the suspension, revocation or refusal. [~~For foreign~~  
17 ~~nationals applying for driver's licenses the secretary shall~~  
18 ~~accept the individual taxpayer identification number as a~~  
19 ~~substitute for a social security number regardless of~~  
20 ~~immigration status.] An applicant shall provide with the  
21 application either an original or certified copy of  
22 documentation establishing that the applicant is a citizen of  
23 the United States or documentation issued by the federal  
24 government establishing that the applicant is a lawful  
25 permanent resident of the United States. The secretary is~~

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1 authorized to establish by regulation other documents that may  
2 be accepted as a substitute for a social security number [~~or an~~  
3 ~~individual tax identification number~~].

4 C. An applicant shall indicate whether [~~he~~] the  
5 applicant has been convicted of driving while under the  
6 influence of intoxicating liquor or drugs in this state or in  
7 any other jurisdiction. Failure to disclose any such  
8 conviction prevents the issuance of a driver's license,  
9 provisional license, temporary license or instruction permit  
10 for a period of one year if the failure to disclose is  
11 discovered by the department prior to issuance. If the  
12 nondisclosure is discovered by the department subsequent to  
13 issuance, the department shall revoke the driver's license,  
14 provisional license, temporary license or instruction permit  
15 for a period of one year. Intentional and willful failure to  
16 disclose, as required in this subsection, is a misdemeanor.

17 D. An applicant less than eighteen years of age who  
18 is making an application to be granted [~~his~~] a first New Mexico  
19 driver's license shall submit evidence that [~~he~~] the applicant  
20 has:

21 (1) successfully completed a driver education  
22 course that included a DWI prevention and education program  
23 approved by the bureau or offered by a public school. The  
24 bureau may accept verification of driver education course  
25 completion from another state if the driver education course

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1 substantially meets the requirements of the bureau for a course  
2 offered in New Mexico;

3 (2) had a provisional license for the twelve-  
4 month period immediately preceding the date of the application  
5 for the driver's license;

6 (3) complied with restrictions on that  
7 license;

8 (4) not been convicted of a traffic violation  
9 committed during the ninety days prior to applying for a  
10 driver's license;

11 (5) not been cited for a traffic violation  
12 that is pending at the time of [~~his~~] the application; and

13 (6) not been adjudicated for an offense  
14 involving the use of alcohol or drugs during the twelve-month  
15 period immediately preceding the date of the application for  
16 the driver's license and that there are no pending  
17 adjudications alleging an offense involving the use of alcohol  
18 or drugs at the time of [~~his~~] the application.

19 E. An applicant eighteen years of age and over, but  
20 less than twenty-five years of age, who is making an  
21 application to be granted [~~his~~] a first New Mexico driver's  
22 license shall submit evidence with [~~his~~] the application that  
23 [~~he~~] the applicant has successfully completed a bureau-approved  
24 DWI prevention and education program.

25 F. An applicant twenty-five years of age and over

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1 who has been convicted of driving under the influence of  
2 intoxicating liquor or drugs, and who is making an application  
3 to be granted [~~his~~] a first New Mexico driver's license, shall  
4 submit evidence with [~~his~~] the application that [~~he~~] the  
5 applicant has successfully completed a bureau-approved DWI  
6 prevention and education program.

7 G. Whenever application is received from a person  
8 previously licensed in another jurisdiction, the department may  
9 request a copy of the driver's record from the other  
10 jurisdiction. When received, the driver's record may become a  
11 part of the driver's record in this state with the same effect  
12 as though entered on the driver's record in this state in the  
13 original instance.

14 H. Whenever the department receives a request for a  
15 driver's record from another licensing jurisdiction, the record  
16 shall be forwarded without charge.

17 I. This section does not apply to driver's licenses  
18 issued pursuant to the New Mexico Commercial Driver's License  
19 Act. "

20 Section 2. A new section of Chapter 66, Article 5 NMSA  
21 1978 is enacted to read:

22 "[NEW MATERIAL] CERTIFICATE FOR DRIVING. --

23 A. A person who does not have a social security  
24 number and cannot document United States citizenship or lawful  
25 permanent residency in the United States as required in Section  
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1 66-5-9 NMSA 1978 may apply to the department, on a form  
2 provided by the department, for a "certificate for driving".

3 B. A certificate for driving shall be valid for one  
4 year from the date of issue.

5 C. A certificate for driving shall be clearly  
6 distinguishable from an instruction permit, a provisional  
7 license or a driver's license, and shall clearly display on its  
8 face the phrase: "FOR DRIVING PURPOSES ONLY – NOT VALID FOR  
9 IDENTIFICATION".

10 D. Except as provided in this section, the  
11 provisions of the Motor Vehicle Code that apply to instruction  
12 permits, provisional licenses and driver's licenses shall apply  
13 to certificates for driving. "